IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.576 OF 2005

Mahindra & Mahindra Workers Union. .. Petitioner
v/s.
State of Maharashtra. .. Respondents

Mr.V.P. Vaidya for petitioner.

Ms.Gayatri Singh for res.No.3.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 28TH MARCH 2005

P.C. :

1. Heard Mr.Vaidya in support of this petition. Ms.Gayatri Singh appears for respondent No.3.

2. Respondent No.3 has raised a grievance with respect to the functioning of the petitioner-Union. He claims to be a member of the Union. A dispute arising out of his complaint was pending before the Deputy Registrar of the Trade Union under the Trade Unions Act, 1926. The officer gave an opportunity to the petitioner-Union and as per the noting of 29th

November 2004, the Union did not file any reply either in writing or orally. Ultimately, therefore, on 3rd December 2004, he has issued a certificate under Section 28 (I)(A) of the Trade Unions Act referring the dispute to the adjudication of the Industrial Court.

3. It is this order which is under challenge in the present petition. Mr.Vaidya appearing for the petitioner states that on an earlier date the petitioner-Union had sought time to give further particulars. It was further submitted that the necessary papers and instructions should be sent to the Union at a particular address. All these requests were not being looked into and, therefore, this order of reference is bad.

4. Ms.Singh has filed an affidavit-in-reply of respondent No.3. It is accepted and rightly so in Para-4 that the consent certificate means nothing more than a reference and the dispute is finally to be decided by the Industrial Court. Ms.Singh points out that there has been an order of the learned Single Judge of this Court directing the Deputy Registrar to decide the proceeding before him within 15 days, which is

stated in Para-4 of the reply.

5. In view of what is stated above, we do not find anything wrong on the part of the Deputy Registrar in issuing the consent certificate. Petition is rejected.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)